



REMARKS

Claims 1-20 are pending in the application; the status of the claims is as follows:

Claims 6-18 and 20 are withdrawn from consideration.

Claims 1, 3-5, and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,115,262 to Komiya ("Komiya").

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Komiya in view of U.S. Patent No. 5,077,613 to Hirao et al. ("Hirao et al.").

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

The indication, in the Office Action, that the Examiner has no objections to the drawings filed on March 26, 2001, is noted with appreciation.

The objection to the title of the invention as not being descriptive is noted and a new title is presented in this Amendment which is clearly indicative of the invention to which the claims are directed. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 6,7, and 20 have been amended to more particularly point out and distinctly claim the invention. These changes do not introduce any new matter.

§ 102(b) Rejection

The rejection of claims 1, 3-5, and 19 under 35 U.S.C. § 102(b) as being anticipated by Komiya, is respectfully traversed based on the following.

Claim 1 recites a digital camera including “a driver for driving a taking lens in steps each producing movement of said taking lens through a distance greater than a depth of field.” Section 7 of the Office Action provides specific column and line citations purportedly disclosing the driver and taking lens of claim 1. However, a specific citation is not provided that discloses that the taking lens is driven “in steps each producing movement of said taking lens through a distance greater than a depth of field.” Upon reviewing Komiya in its entirety, it appears to disclose that focus signals may be obtained at predetermined time intervals based on the CCD charge storage time determined by the pre-metering circuit. See column 2, lines 30-50. Alternatively, Komiya discloses that focus signals may be taken at intervals proportional to intermediate parameter d_{FZP} , which is based on the F-number of the optical system and the spatial frequency S. See equations (8) and (9), and column 7, lines 37-45. However, there does not appear to be any disclosure that sampling distance is a function of the depth of field.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference ... shown in as complete detail as is contained in the ... claim.” See MPEP § 2131. It is respectfully submitted that Komiya fails to disclose that the taking lens is driven in steps greater than a depth of field as required by claim 1 and, therefore, claim 1 distinguishes over Komiya.

Claims 3-5 depend from claim 1 and incorporate the features thereof. Accordingly, claims 3-5 distinguish over Komiya for at least the same reasons as provided above regarding claim 1.

Claim 19 recites an autofocus method including “driving a taking lens in steps each producing movement of said taking lens through a distance greater than a depth of field.” As provided above in regards to claim 1, this is not disclosed by Komiya. It is respectfully submitted, therefore, that claim 19 distinguishes over Komiya.

Accordingly, it is respectfully requested that the rejection of claims 1, 3-5, and 19 under 35 U.S.C. § 102(b) as being anticipated by Komiya, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejection

The rejection of claim 2 under 35 U.S.C. § 103(a), as being unpatentable over Komiya in view of Hirao et al., is respectfully traversed based on the following.

Claim 2 depends from claim 1. It is respectfully submitted, therefore, that claim 2 distinguishes Komiya for at least the same reasons as provided above in regards to claim 1. Hirao teaches decreasing the speed of stepper motor 9 when the camera is near the focus point, it does not disclose any relationship between the stepper motor speed (or the distance the lens is moved) and a depth of field of a taking lens. Therefore, the combination of Komiya and Hirao cannot fairly be said to teach “a driver for driving a taking lens in steps each producing movement of said taking lens through a distance greater than a depth of field” as required by claim 2 by depending on claim 1.

Accordingly, it is respectfully requested that the rejection of claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Komiya in view of Hirao et al., be reconsidered and withdrawn.

Claims 6 and 20 have been amended to depend, respectively, from claims 1 and 19. As a result, claims 6-18 and 20 now include the features of the group of claims elected in response to the restriction requirement.

Claim 21 has been added to provide adequate additional protection for the invention.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.


Application No. 09/817,833
Amendment dated July 21, 2005
Reply to Office Action of April 22, 2005

This Amendment does not increase the number of independent claims, but does increase the total number of claims by 1 from 20 to 21, but does not present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$50.00 to be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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